

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FULL CIRCLE SALES, INC., a Montana	)	Case No.: 11-cv-03402-LHK
corporation; GROWERS EXPRESS, LLC, a	)	
limited liability company; STEINBECK	)	
COUNTRY PRODUCE, INC., a corporation;	)	ORDER RE: HEARING ON MOTION
STEVE W. ALMQUIST d/b/a STEVE	)	TO DISMISS
ALMQUIST SALES AND BROKERAGE;	)	
DANIEL ANDREWS d/b/a DAN ANDREWS	)	
FARMS, a sole proprietorship; FRESH	)	
NETWORK, LLC, a limited liability company;	)	
QUEBEC DISTRIBUTING CO., INC., a	)	
corporation,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
ORGANIC ALLIANCE, INC., a Nevada	)	
corporation,	)	
	)	
Defendant.	)	

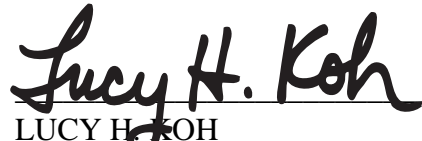
On June 13, 2012, the parties filed a joint status report requesting continuation of the June 28, 2012 case management conference and hearing on Defendant's motion to dismiss until approximately mid-September 2012, to allow eight to ten weeks for the parties to fully resolve the case through settlement. *See* ECF No. 40. In light of the fact that neither party seems eager to litigate this case, and the fact that Defendant's motion to dismiss has already been pending for nine

1 months, the Court encouraged the parties to stipulate to a dismissal without prejudice and a tolling  
2 agreement. *See* ECF No. 41.

3 The parties having declined the Court's previous suggestion, the Court now encourages the  
4 parties to stipulate instead to Defendant's withdrawal of the pending motion to dismiss with a  
5 tolling agreement. Should the parties desire a September or October 2012 hearing date, Defendant  
6 shall re-file the motion to dismiss immediately and obtain a new hearing date from the Courtroom  
7 Deputy, Martha Parker Brown. By June 26, 2012, at 5:00 p.m., the parties shall file either their  
8 stipulation of withdrawal of Defendant's motion or a joint status report explaining why they have  
9 chosen not to do so.

10 **IT IS SO ORDERED.**

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12 Dated: June 25, 2012

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15 LUCY H. KOH  
16 United States District Judge  
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